

SENATE

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employee of the Committee on Commerce, who has been subpoenaed, to appear in court. We have to do that by resolution.

Mr. GRIFFIN. Is this the kind of situation in which, in the legislative branch of the Government, we have what we call legislative privilege? We do not allow our employees to testify in court unless it is with our consent. Is that correct?

Mr. MAGNUSON. That is right. It has to be with our consent.

Mr. GRIFFIN. Every time there is a court subpoena of anyone employed by the Senate, we have to pass a resolution to give our consent; otherwise he cannot testify.

Mr. MAGNUSON. That is right.

Mr. GRIFFIN. That is what we call legislative privilege, even though we do not like to talk about the fact that there is such a thing.

Mr. MAGNUSON. But there is, and that is merely a routine matter asking for unanimous consent.

The PRESIDING OFFICER. Is there objection to immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution. The resolution (S. Res. 417) was unanimously agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas, in the case of Lyons v. Policeman's Association of the District of Columbia (Civil Action No. 74-441), pending in the United States District Court for the District of Columbia, a subpoena duces tecum has been issued by that court and addressed to W. Donald Gray, an employee of the Committee on Commerce, directing him to appear as a witness, and to give testimony and present other evidence by deposition in such case; Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence under the control and in the possession of the Senate of the United States can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession, but by permission of the Senate;

Sec. 2. By the privilege of the Senate and by rule XXX thereof, no Member or Senator, employee is authorized to produce Senate documents but by order of the Senate, and information secured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate.

Sec. 3. When it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate of the United States is needful for use in any court of justice or before any judge or such legal officer for the promotion of justice and, further, such testimony may involve documents, communications, conversations, and matters related thereto under the control of or in the possession of the Senate of the United States, the Senate of the United States will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate.

Sec. 4. W. Donald Gray, an employee of the Committee on Commerce, is authorized, in response to a subpoena duces tecum issued by the United States District Court for the District of Columbia, to appear as a witness and give testimony by deposition in connection with the case of Lyons v. Policeman's Association of the District of Columbia (Civil

Action No. 74-441), but shall not, except as otherwise provided in this resolution, take with him any letters, records, correspondence, documents, communications, or other writings on file in his office or under their control or in his possession as an employee of the Senate.

Sec. 5. If the court determines that (1) any of the letters, records, correspondence, documents, communications, or other writings called for in such subpoena duces tecum have become part of the official transcripts of public proceedings of the Senate by virtue of their inclusion in the official minutes and official transcripts of such proceedings for dissemination to the public upon order of the Senate or pursuant to the rules of the Senate, and (2) such letters, records, correspondence, documents, communications, or other writings are material and relevant to the issues pending before the court, then that court, through any of its officers or agents, has full permission to attend with all proper parties to the proceeding, and then always at any place under the orders and control of the Senate, and make copies of such letters, records, correspondence, documents, communications, or other writings in the possession or control of the said W. Donald Gray. However, no other letters, records, correspondence, documents, communications, or other writings shall be made available or copied except by permission of the Senate.

Sec. 6. In response to such subpoena, the said W. Donald Gray may (1) testify to any matter determined by the court to be material and relevant for the purposes of identification of copies of materials made under section 5, and (2) may make available for inspection and copying at such deposition, and testify with respect thereto, all copies of the hearings of the Committee on Commerce during the second session of the 92d Congress on the "Effects of Organized Criminal Activity on Interstate and Foreign Commerce" and that portion of his desk calendar with respect to the period February 26, 1974, through March 13, 1974. However, the said W. Donald Gray shall return those copies and that portion of the desk calendar to the Senate upon completion of the deposition, and he shall respectfully decline to testify concerning any and all other matters that may be based on knowledge acquired by him in his official capacity either by reason of letters, records, correspondence, documents, communications, or other writings appearing in the files of the Senate or by virtue of conversations or communications with any person or persons relating to those duties.

Sec. 7. A copy of this resolution shall be transmitted to the representative of the party named in such subpoena requesting the issuance of the subpoena, and to the United States District Court for the District of Columbia, as an answer to such subpoena.

## FOREIGN ASSISTANCE ACT OF 1974

The Senate continued with the consideration of the bill (S. 3354) to amend the Foreign Assistance Act of 1961, and for other purposes.

Mr. HUMPHREY. Mr. President, the Senator from Iowa had his amendment pending and it was voted on in substance yesterday. I see no reason to have a replay on the rollcall vote. Therefore, speaking for the committee, I shall accept it.

Mr. CLARK. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. PROXMIER. Mr. President, I have

an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows: At the end of the bill add the following new section:

## GIFTS TO PERSONS OF FOREIGN COUNTRIES

SEC. 33. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended by sections 17(a) and 18 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 601. GIFTS TO PERSONS OF FOREIGN COUNTRIES.—Not later than fifteen days following the end of each fiscal year, the Vice President and the head of each agency of the United States Government shall each submit to the President a statement describing fully and completely all property having a value of more than \$50 purchased with appropriated funds which was given by him, or any officer or employee under his authority, to any foreign country or any person of any foreign country during such fiscal year. Not later than thirty days following the end of each fiscal year, the President shall transmit to Congress a report containing the information included in such statements for that year and information describing fully and completely all such property so given by him during that fiscal year.

Mr. PROXMIER. Mr. President, the recent reports of extravagant gift giving among U.S. and foreign heads of State have aroused serious misgivings among the American taxpayers. I think it is time that the Congress and the American public learn where our tax dollars are going in this atmosphere of "Santa Claus" diplomacy.

Amendment 1873, which I call the Foreign Gifts Reporting Amendment, would direct the President of the United States to report annually all properties of \$50 or more purchased with appropriated funds which were given by him or any officer in the Federal Government, to any person of any foreign country.

The \$50 limitation is the same as the provisions of the Foreign Gifts and Decorations Act of 1966. That act states that any gift of more than \$50 given to a U.S. official from a foreign state, must be turned over to the Chief of Protocol, State Department, for disposal as public property. Obviously the Department of State and the Congress feel that gift receiving should be subject to some control. The same should be the case with gifts given by U.S. officials.

It is not the intention of this amendment to interfere with normal diplomatic activity nor to hamper the good will that may be generated by these gifts from the United States to foreign heads of state. But when Presidential tokens of détente reach the \$3 million mark—as in the case of the VJ3A Sikorsky helicopter to Egyptian President Anwar Sadat—it is time to take a close look at the whole process of summit gift giving. The executive branch should be held accountable as to where these gifts are going, where the funds come from, and how they are justified. I believe my amendment will allow the American people and the Congress to examine these expenditures without any negative impact on our mission of good will abroad.

Why is a reporting amendment of this type necessary? Public eyebrows began

to rise with the unprecedented gift of the VIP Navy Sikorsky helicopter from former President Nixon to Egyptian President Anwar Sadat during Mr. Nixon's June visit to Egypt.

The expenditure of \$3 million for this purpose was defended by the President and Deputy Secretary of State Robert S. Ingersoll as complying with section 451(a), section 620(p), and section 531 of the Foreign Assistance Act of 1961. Among other things, the \$3 million charged to the Agency for International Development Contingency Fund was said to be "essential to the national interest of the United States." The helicopter was "to support or promote economic or military stability."

The White House and the Department of State felt that the gesture of this helicopter provided one tangible piece of evidence of the United States' continuing commitment to a long-standing, cooperative relationship with President Sadat's government.

If this is the type of tangible evidence upon which we must base our most delicate international diplomacy, then the American people must surely ask, "Is this how we conduct foreign policy?"

The Sadat helicopter kicked-off further investigations of the diplomatic gift-giving activity in the Federal Government, revealing some rather vague, open-ended authorizations and some questionable contingency funds among Federal agencies.

For example, under chapter 5, section 451 of the Foreign Assistance Act appropriations of \$30 million are given to the President to "provide assistance authorized by this part primarily for disaster relief purposes, in accordance with provisions applicable to the furnishing of such assistance." As I previously mentioned, the President's defense for the Sadat helicopter pointed to this section as providing funds for the gift although it clearly could not be considered as disaster relief for Egypt. Although section 451 authorized the funds, the justification language was contained in other sections including 531. The flexibility of this Presidential Contingency Fund concerns me and deserves a good long look.

The Office of Protocol at the State Department—a \$900,000 per year operation that handles, among other things, the screening and selection of appropriate gifts for foreign heads of state—has access to \$2.5 million in an Emergency in the Diplomatic and Consular Service fund. GAO reports indicate that since 1959, over 2,350 gifts have been in the out of this fund.

Mr. Nicholas L. Ruwe, assistant Chief of Protocol for ceremonial affairs, said recently that gift-giving has quadrupled over the last 25 years and that his duties include checking out customs, preventing duplication of gifts, and handling gift orders from not only the President but the Vice President, Secretary of State and often the first lady as well.

The question here, is "what do the gifts buy for the United States?" and should the taxpayers have \$900,000 of their money spent for this Federal version of the Spiegel catalog? If so, I think

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they ought to know about it and see where their money is going.

Back in February of this year, President Nixon, under the authority of that all-purpose contingency Act of the Foreign Assistance Act of 1961, permitted the granting of \$10 million in excess Egyptian pounds to the Wafaa wa'l Amal—Royal and Hope Society—an Egyptian charitable organization headed by the wife of President Anwar Sadat.

This grant was made one day before the United States restored diplomatic relations with Egypt and left the Nixon administration open for even more controversy. In order to make the grant legal, the President had to waive restrictions contained under section 620 of the act and fulfill two conditional waiver rights.

The Comptroller General of the United States later confirmed that the President's grant satisfied the legal requirements of the act.

The point I wish to make is this. It is not the legality or illegality of these gifts that causes concern. It appears that everything is in order in many of the larger gifts that I have mentioned. However, at a time when inflation is at a record high, I feel very strongly that the taxpayer should know exactly how much of his money is being spent, where it comes from, where it is going, and for what purpose. I would be very surprised if 10 percent of the American people knew that \$10 million was given to Mrs. Sadat's charity or that so much of their money was tied up in diplomatic gift-giving.

Mr. President, I want to reiterate that my amendment in no way means to inhibit the progress of détente with Egypt or any other nation. Nor do I mean to challenge the legality of these gifts to foreign heads of state. The sole purpose of the amendment is to provide information—that ingredient which will allow us to take corrective action, if necessary, at a later time.

One final point should be made, Mr. President. This amendment would include all agencies of government. It would apply to the Defense Department and the State Department or any other agency receiving appropriated funds. The amendment is intended to be comprehensive in nature.

The language "property . . . given by the President or any officer or employee under his authority" shall be taken in the traditional American context of a gift; an object or thing of value that is given, donated or presented to another party.

Mr. HUMPHREY. Mr. President, that is a good amendment. I hope that the Senate will see fit to adopt it.

I yield back any time I may have remaining.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. PROXMIRE. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Wisconsin, as modified.

The amendment No. 1873, as modified, was agreed to.

Mr. PROXMIRE. Mr. President, I

move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, may I have the attention of the distinguished manager of the bill?

I ask the manager of the bill: On page 12, a change has been made in the appropriate authorization for international organizations and programs. It has been increased by \$36,900,000. Which agencies are included in that increase?

Mr. HUMPHREY. Let me see the different ones that we added here.

The President had asked for \$153,900,000. The committee, on the suggestion of Senator McGee, added an additional \$30 million. The sum added by the committee is to be distributed as follows: U.N. development program, \$20 million; U.N. Relief and Works Agency, \$10 million; and the U.N. Children's Fund, \$3 million.

That represents the increase in international organizations and programs.

Mr. HARRY F. BYRD, JR. And all that increase goes to the United Nations?

Mr. HUMPHREY. That is right, it goes to those three agencies.

There is a reason for this. There was, I believe, some delay in our proper funding. I read from the committee report, on page 24:

By providing an additional \$20,000,000 for the UNDP, the United States will be able to make a \$110,000,000 contribution for calendar year 1975, rather than the \$100,000,000 proposed by President Nixon. The additional \$20,000,000 available to UNDP would be used to end split-year funding for the UNDP which has been undertaken since calendar year 1973 when only \$70,000,000 was provided.

In other words, it is a budgetary matter, in which we are trying to catch up for a period of time in which our funding was different from that of the United Nations.

I want to be sure about this. I do not think all of this represents an additional increase.

There is a \$10 million increase, and the other \$10 million is a catchup on the basis of what we call split-year funding.

So, in terms of real dollars, the increase in our commitment is \$10 million.

Mr. HARRY F. BYRD, JR. The total commitment, then, to the United Nations is \$110 million?

Mr. HUMPHREY. That is correct.

Mr. HARRY F. BYRD, JR. May I ask the Senator, on that same page, page 12, section 7, the figures are increased from \$512,500,000 to \$550 million. What is the purpose of that increase?

Mr. HUMPHREY. This is because in the new authorization we required that when the Defense Department permits what it calls excess military property to be used, as had been the case in previous authorizations, that excess military property will be deducted from the amount authorized. Prior to that it was not.

So actually we are doing a much more honest job of bookkeeping. We have, on the matter of military assistance reductions, cut a total of \$292 million from

the request of the administration in all the categories. But I repeat that the reason for that modest increase here in this line item was because we now require that when the Defense Department decides it has surplus tanks, which it had given away, that it charge them off, and the amount has to be deducted from this amount.

Mr. HARRY F. BYRD, JR. I thank the Senator. Now another question. On page 54 of the bill, section 31, is an item to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial.

Mr. HUMPHREY. Oh, yes.

Mr. HARRY F. BYRD, JR. That has been increased from \$800,000 to \$1 million.

Mr. HUMPHREY. Yes.

Mr. HARRY F. BYRD, JR. In the first place, what is the Gorgas Memorial, and in the second place, why do we want to double the appropriation?

Mr. HUMPHREY. I will tell the Senator what it is. Again, this was sponsored by our distinguished colleague from Wyoming (Mr. McGee).

The Gorgas Memorial is an institute of the tropical and preventive medicine in the Republic of Panama. The memorial has operated since its inception as a technical institution committed to conduct research in the biomedical sciences on diseases of the tropics. Its objectives are to help prevent disability, detect, and death from these tropical diseases.

This laboratory, by the way, has been the central point for both North and South American medicine on tropical diseases, and is a vital part of our medical research program.

Mr. HARRY F. BYRD, JR. How much was appropriated last year for that item?

Mr. HUMPHREY. Last year, I do not recall, \$500,000.

Mr. HARRY F. BYRD, JR. And we are doubling that this year?

Mr. HUMPHREY. Yes. Last year they had some contracts through Health, Education, and Welfare which added to the amounts of funds that we were giving them.

Mr. HARRY F. BYRD, JR. Are there sums coming from Health, Education, and Welfare this year?

Mr. HUMPHREY. I must inquire, if the Senator will permit.

The funding, I have seen informed, is considerably less from Health, Education, and Welfare.

Mr. MAGNUSON. They have some, but I do not know how much.

Mr. HUMPHREY. See, but not very much.

Mr. HARRY F. BYRD, JR. Is there funding from other agencies of the Government?

Mr. HUMPHREY. No other funding.

Mr. HARRY F. BYRD, JR. One further question in regard to the bill. On page 46, I note that there is a Special Requirements Fund.

Mr. HUMPHREY. Yes.

Mr. HARRY F. BYRD, JR. Of not to exceed \$100 million. What is the purpose of the Special Requirements Fund?

Mr. HUMPHREY. May I say to my good friend from Wyoming that I did not have very much to say about that. The

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